

**STATEMENT OF REPRESENTATIVE EDWARD J. MARKEY (D-MA)
PRESS CONFERENCE ON INTRODUCTION OF
NUCLEAR SECURITY ACT OF 2001**

Thank you. I am pleased to join with the Senator from Nevada (Mr. Reid), the Senator from New York (Mrs. Clinton), the Senator from Connecticut (Mr. Lieberman), and the Gentlelady from New York (Mrs. Lowey) in introducing the "Nuclear Security Act of 2001."

This legislation builds upon a provision which I was able to attach to the Price-Anderson reauthorization legislation that passed the House earlier this week to improve the security of nuclear power plants against the threat of terrorist attacks. That bill called for the President to undertake an assessment of the terrorist threat to nuclear power plants and consider what aspects of the defense of these plants should be assumed by the federal government and what actions should be taken by the licensees themselves to improve security at these facilities. This bill would provide a mechanism through which the federal role can be exercised.

Under the Atomic Energy Act, the Nuclear Regulatory Commission has the obligation to assure that our nation's nuclear power plants are operated in a manner which protects public health, public safety, and the environment. This includes establishing requirements that assure nuclear facilities are protected against acts of radiological sabotage or theft of special nuclear material.

For more than 10 years, I have been concerned that the NRC's efforts to prevent and respond to terrorist attacks or major accidents at nuclear reactors have been sorely lacking.

In 1991, in the wake of U.S. bombing of Iraqi nuclear reactors and Saddam Hussein's call for acts of terrorism against the U.S., I wrote the NRC concerning the threat of truck bombs at nuclear reactors, and called for an upgrade of the plans to defend nuclear reactors against larger and better-armed groups of attackers. The NRC responded that "we have determined that there continues to be no credible threats of terrorist actions against any NRC-licensed facility that warrants implementation of contingency plans against truck bombs at this time." It was not until years later that the NRC finally revised its truck bomb rule. And even then, it remains inadequate -- as it assumes that the largest truck bomb threat is a truck bomb in a 4 wheel drive SUV.

Over the years, the NRC has continued to have a checkered record on nuclear security. In 1998, for example, the NRC senior staff tried to eliminate the program that tested the adequacy of the licensees' guard forces through force-on-force exercises, citing budget problems. Funding for this program was only restored after I wrote the NRC to complain.

Today, the current NRC "Design Basis Threat" -- published in the Federal Register -- that is supposed to be used to design safeguards systems, fails to adequately reflect the true nature of the terrorist threat to our nuclear plants. For example, the NRC says that the plants are supposed to be able to defend against attacks by "several persons". How many is that? Well, the exact number is confidential, but suffice it to say that it is far, far less than the number of people that carried out the September 11th attacks. The Design Basis Threat rules talk about "Inside assistance" which may include "a knowledgeable individual". In other words, one insider. In reality, we need to be concerned about multiple insiders. The rules talk about "Suitable weapons, up to and including hand-held automatic weapons" and "hand-carried equipment" including explosives." In reality, terrorists can probably obtain access to larger, vehicle-mounted weapons. The rules talk about a "four wheel drive land vehicle bomb." What about a large truck or tractor-trailer filled with explosives? What about water-borne threats to reactors located along rivers or the ocean? And what about air-borne threats -- like a commercial airliner filled with jet fuel?

The Commission's current regulations regarding the design basis threat says nothing about such threats, and in an October 16, 2001 letter responding to concerns I had earlier raised about security in the aftermath of the events of September 11th, Chairman Meserve stated that none of the current commercial reactors are capable of withstanding a hit from a large commercial airliner. In addition, evidence that I have come across in public NRC documents has indicted tht spent fuel pools, dry cask storage, switching yards, and other areas of these plants may be even more vulnerable to destructive acts. I have recently written Chairman Meserve to express my concerns regarding these vulnerabilities.

The reality is that the NRC and the nuclear utilities industry have persistantly ignored the vulnerabilities of our nation's nuclear facilities to a terrorist attack. They have assumed that a terrorist attack simply can't happen here. The events of September 11th force us to change that mentality. The bill that we are introducing today will help do that.

Thank you again, and I look forward to working with Senators Reid, Clinton, and Lieberman, as well as Representative Nita Lowey, on this important legislation.